THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 8177 of 1996

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DATED: 02-02-2006

Edla Lakshma Reddy.

..... PETITIONER

AND

The Mandal Revenue Officer,
Saroornagar , Rangareddy District & another.

.....RESPONDENTS

ORDER:

The case of the petitioner is that he is assigned 100 sq.yards of site as plot No.44 in S.No.9/1 of N.T.R.Nagar, Saroornagar village on 23-05-1985 and thereafter he constructed a house therein and obtained electricity connection thereto and has been enjoying the house and site by paying taxes to the municipality. Respondents without any authority and without any notice high-handedly demolished the compound wall constructed by him and are giving out that they would dispossess him and so, he filed the petition seeking an order restraining respondents from interfering with his possession over the house No.14-1-416 constructed by him in plot No.44 in S.No.9/1 of N.T.R.Nagar, Saroornagar village assigned to him.

2. While admitting this petition learned Judge by the order, dated 17-04-1996, in W.P.M.P.No.10033 of 1996 directed the respondents not to interfere with the possession and enjoyment of the petitioner over H.No.14-4-416 in plot No.44 of S.No.9/1 N.T.R.Nagar, Saroornagar village pending disposal of the suit.

3. Though the case is of the year 1996 respondents did not file any counter affidavit till today.

4. Since a person in possession cannot be dispossessed without taking recourse to due process of law and since *prima facie* petitioner is in possession of the suit under a patta granted to him, respondents cannot without taking recourse to due process of law interfere with his possession.

5. Therefore, this Writ Petition is disposed of with a direction to respondents not to interfere with the possession of petitioner over plot No.44 in S.No.9/1 N.T.R.Nagar, Saroornagar village without taking recourse to due process of law. No costs.

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(C.Y.SOMAYAJULU,J)

2nd February, 2006

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